REMARKS

Amendments

New claims 63-64 are directed to further aspects of applicants' invention. See, e.g., page 17, lines 9-17.

Rejection under 35 USC §103(a)

Claims 1, 7, 9, 10, 14, 15, 17-22, 25-32, 39-45, and 52-62 are rejected as allegedly being obvious in view of Chu et al., Giles et al., Drucker et al., Fang et al. and Topaly et al. This rejection is respectfully traversed.

Chu et al., Giles et al., and Drucker et al. are relied on in the rejection for disclosures of the use of (-)-L-OddC or imatinib mesylates (STI-571) for the treatment of leukemia and dosages for such agents in the treatment of leukemia. In the rejection, it is asserted that there is motivation to combine (-)-L-OddC and STI-571 on grounds that it is obvious to combine two compositions that are useful for the same purpose.

However, as clearly demonstrated in applicants' specification, the combination of (-)-L-OddC and STI-571 exhibits synergistic results. The disclosures of Chu et al., Giles et al., and Drucker et al. provide no suggestion that combining (-)-L-OddC and STI-571 will exhibit synergistic effects.

In this regard, the rejection relies on the disclosures of Fang et al. and Topaly et al. The Examiner argues that Fang et al. disclose that, in *in vitro* tests, cotreatment of certain cell lines with STI-571 and the agents Ara-C, etoposide and doxorubicin yielded increased apoptosis. See page 2252, right column. Additionally, the Examiner argues that Topaly et al. discloses that, in *in vitro* tests, STI-571 exhibited synergism with respect to apoptosis induced by cytarabine (Ara-C), mafosfamide and etoposide.

Yet, the disclosures of Fang et al. and Topaly et al. do not establish that one skilled in the art would expect STI-571 to exhibit synergy with every anti-leukemia agent. Nothing within these two disclosures suggests that STI-571 will interact favorably with all other anti-leukemia agents, rather than having an adverse interaction. Similarly, these two disclosures do not suggest that STI-571 will exhibit synergy with all other anti-leukemia agents, regardless of the mechanism of apoptosis induces by such agents.

The structures of cytarabine (Ara-C), etoposide, doxorubicin and mafosfamide are all clearly distinguishable from that of (-)-L-OddC. Of these four agents, only cytarabine has a nucleoside structure. While (-)-L-OddC does possess a nucleoside-like structure, it has a dioxolane ring rather than a typical sugar ring and does not have the pendant hydroxy groups of the typical sugar ring. The disclosures of Fang et al. and Topaly et al. clearly do not suggest that STI-571 will exhibit synergy with an anti-leukemia agent having the dioxolane structure of (-)-L-OddC.

For the reasons discussed above, one of ordinary skill in the art would not make the general assumption that STI-571 will be expected to exhibit synergy with any anti-leukemia agent, regardless of the latter's mechanism of action or its structure. Nor will one of ordinary skill in the art make the general assumption that STI-571 will interact favorably, rather than adversely, with all other anti-leukemia agents.

In view of the above remarks, it is respectfully submitted that of Chu et al., Giles et al., and Drucker et al., taken alone or in combination or further in combination with Fang et al. and/or Topaly et al., fail to render obvious applicants' claimed invention. Withdrawal of the rejection is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

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